

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

---

THOR HIGGINBOTHAM,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL  
SECURITY ADMINISTRATION,

Defendant.

---

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

CASE NO. 1:23-cv-01526

OPINION & ORDER  
[Resolving Docs. 1, 10]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Plaintiff Thor Higginbotham seeks judicial review of the Social Security Commissioner's final decision denying his application for Supplemental Security Income.<sup>1</sup>

On April 16, 2024, Magistrate Judge Greenberg issued a Report and Recommendation ("R&R") recommending that the Court reverse and remand the Commissioner's final decision.<sup>2</sup> The Commissioner's objections were due on April 30, 2024.<sup>3</sup> The Commissioner did not file objections.

The Federal Magistrates Act requires district courts to conduct a *de novo* review of only objected-to portions of an R&R.<sup>4</sup> Absent objection, district courts may adopt an R&R without review.<sup>5</sup> The Commissioner did not object to the R&R, so this Court may adopt Magistrate Judge Greenberg's R&R without further review.

---

<sup>1</sup> Doc. 1. Plaintiff and Defendant filed merits briefs. Docs. 6, 8. Plaintiff filed a reply. Doc. 9.

<sup>2</sup> Doc. 10.

<sup>3</sup> Parties have fourteen days to file objections to a Magistrate Judge's R&R. LR 72.3(b).

<sup>4</sup> 28 U.S.C. § 636(b)(1).

<sup>5</sup> *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). Failure to timely object may waive a party's right to appeal the district court's order adopting the R&R. *Id.* at 155; *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

Case No. 1:23-cv-01526  
Gwin, J.

Accordingly, the Court **ADOPTS** Magistrate Judge Greenberg's R&R, **REVERSES** the Commissioner's final decision, and **REMANDS** this case for further proceedings consistent with this Order and Magistrate Judge Greenberg's R&R.

IT IS SO ORDERED.

Dated: May 6, 2024

s/ *James S. Gwin*  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE